

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

**MARK ALLEN PAYNE,**

**Plaintiff,**

**v.**

**Case No.: 03:12-cv-00580**

**WESTERN REGIONAL JAIL,**

**Defendant.**

**ORDER SEALING COMPLAINT**

Pending before the Court is an action filed pursuant to 42 U.S.C. § 1983 (Docket No. 2). Due to the highly confidential nature of the allegations contained in the Complaint and upon Plaintiff's request for confidentiality, this Court **ORDERS** the Complaint to be sealed. The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4<sup>th</sup> Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the Complaint shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the Complaint, but in view of the numerous references that

are considered confidential or specially protected, no such alternatives are feasible. The Complaint pertains to highly personal matters which have no particular relevance to the general public. Accordingly, the Court finds that sealing the Complaint does not unduly or significantly prejudice the public's right to access them.

The Clerk is instructed to provide a copy of this Order to the Plaintiff.

**ENTERED:** February 29, 2012.



Cheryl A. Eifert  
United States Magistrate Judge